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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,006	12/31/2001	Labhesh Patel	062891.0645	5690

5073 7590 11/28/2006

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EXAMINER

SAM, PHIRIN

ART UNIT PAPER NUMBER

2616

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,006

Applicant(s)

PATEL ET AL.

Examiner

Phirin Sam

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-129 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

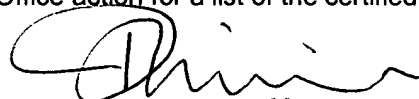
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims rejected are 1,2,4-7,9,17,18,20-23,28,29,31,32,43-49,59,60,62-65,70,73,74,85,86,88-91,101,102,104-107,112,113,115,116 and 127-129.

Continuation of Disposition of Claims: Claims objected to are 3,8,10-16,19,24-27,30,33-42,50-58,61,66-69,72,75-84,87,92-100,103,108-111,114 and 117-126.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-7, 9, 17, 18, 20-23, 28, 29, 31, 32, 43-49, 59, 60, 62-65, 70, 73, 74, 85, 86, 88-91, 101, 102, 104-107, 112, 113, 115, 116, and 127-129 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,819,652 (hereinafter referred as “Akhtar”).

Regarding claims 1, 2, 4-7, 9, 43, 44, 46-49, 85, 86, 88-91, and 127-129, Akhtar discloses a method for indicating the priority of a voice over Internet protocol (VoIP) call (see Fig. 2, col. 3, lines 60-67, col. 4, lines 1-9), comprising:

- (a) receiving a dialed number for a connection (see Fig. 2, col. 4, lines 12-17);
- (b) generating a call setup request including the dialed number (see Fig. 2, and col. 4, lines 50-51);
- (c) receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 2 and 3, col. 4, lines 59-67, and col. 5, lines 24-27, 35-48);
- (d) generating a priority indicator based on the priority (see Figs. 2 and 4, col. 5, lines 1-8, 29-31, col. 6, lines 30-37, 50-67, and col. 7, lines 1-16);
- (e) transmitting the call setup request and priority indicator (see Fig. 4, col. 5, lines 63-64, col. 6, lines 38-44).

Regarding claims 17, 17, 18, 20-23, 59, 60, 62-65, 101, 102, and 104-107, Akhtar
discloses a method for indicating the priority of a voice over Internet protocol (VoIP) call (see Fig. 2, col. 3, lines 60-67, and col. 4, lines 1-9), comprising:

- (a) receiving a call setup request to a dialed number (see Fig. 2, col. 4, lines 12-17);
- (b) receiving a priority indicator for the call based on user input provided contemporaneously with the dialed number (see Figs. 2 and 3, col. 4, lines 59-67, and col. 5, lines 24-27, 35-48);
- (c) processing the call setup request to set up a connection (see Figs. 2 and 4, col. 5, lines 1-8, 29-31, col. 6, lines 30-37, 50-67, and col. 7, lines 1-16);
- (d) transmitting the priority indicator for delivery to a destination device for indication to a call recipient (see Fig. 4, col. 5, lines 63-64, col. 6, lines 38-44).

Regarding claims 28, 29, 31, 32, 70, 71, 73, 74, 112, 113, 115, and 116, Akhtar
discloses a method for indicating the priority of a voice over Internet protocol (VoIP) call (see Fig. 2, col. 3, lines 60-67, col. 4, lines 1-9), comprising:

- (a) ringing a dialed number to establish a connection (see Fig. 2, and col. 4, lines 50-51);
- (b) receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 2 and 3, col. 4, lines 59-67, and col. 5, lines 24-27, 35-48);
- (d) generating a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 2 and 4, col. 5, lines 1-8, 29-31, col. 6, lines 30-37, 50-67, and col. 7, lines 1-16);
- (e) indicating to a call recipient priority of the connection (see Fig. 4, col. 5, lines 63-64, and col. 6, lines 38-44).

Allowable Subject Matter

3. Claims 3, 8, 10-16, 19, 24-27, 30, 33-42, 50-58, 61, 66-69, 72, 75-84, 87, 92-100, 103, 108-111, 114, and 117-126 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 4-7, 9, 17, 18, 20-23, 28, 29, 31, 32, 43-49, 59, 60, 62-65, 70, 73, 74, 85, 86, 88-91, 101, 102, 104-107, 112, 113, 115, 116, and 127-129 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: November 23, 2006

A handwritten signature in black ink, appearing to read 'Phirin', written over a horizontal line.

**PHIRIN SAM
PRIMARY EXAMINER**